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BY ECF

Honorable Robyn F. Tarnofsky
United States District Court
Southern District of New York
500 Pearl St.
New York, New York 10007

Application granted. The time to effect service is extended, nunc pro tunc, until June 17, 2024. No further extensions will be granted absent very good cause shown.

Date: 5/20/2024
New York, NY

SO ORDERED


ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE

Re: *Case 1:24-cv-00670-PAE-RFT Sookul v. 40s And Shorties LLC*
Status Letter

To the Honorable Judge Tarnofsky:

Plaintiff respectfully submits this letter in response to the Order to Show Cause dated May 1, 2024 (Dkt. No. 7), in which the Court ordered Plaintiff to show cause as to its failure to timely effectuate service upon Defendant, pursuant to FRCP Rule 4m. Respectfully, Plaintiff maintains that the failure to serve has not been due to the fault of Plaintiff herein.

This action was commenced on January 30, 2024, and the summons and complaint were sent out to a process serving company on February 14, 2024 (it is this office's protocol to wait a two weeks before sending a case out for service to allow time for a defendant to waive service, as a cost-cutting measure). Since then, there have been a total of three (3) attempts at service at the same number of addresses. The proofs of these attempts at service are attached to this letter as exhibits. Plaintiff has been diligently attempting to effectuate service upon the Defendant since the commencement of the action. It seems as though the Defendant is evading service. Due to this, Plaintiff maintains that the failure to serve thus far was not the fault of Plaintiff's. Plaintiff will not effectuate service on the Defendant by serving the Secretary of State of California.

As such, Plaintiff urges the Court to grant Plaintiff a thirty-day extension of time to serve, up to and until June 17, 2024. We thank Your Honor for the attention and consideration herein.

Respectfully submitted,

/s/ Mars Khaimov
Attorneys for Plaintiff



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. **1:24-CV-00670-PAE-RFT**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for **40s And Shorties LLC**
was recieved by me on **2/20/2024**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **Moved** after attempting service at **9925 Canoga Ave, Chatsworth, CA 91311**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and \$ 75.00 for services, for a total of \$ 75.00.

I declare under penalty of perjury that this information is true.

Date: 02/23/2024



Server's signature

Nikko Paulino

Printed name and title

**11642 McLennan ave
Granada Hills, CA 91344**

Server's address

Additional information regarding attempted service, etc:

2/23/2024 9:01 AM: I spoke with an individual who identified themselves as the person in charge and they stated subject moved. At the address I observed a call/mail box listing another. Per Employee. That company used to be here. Doesn't know where they moved to.



Tracking # 0125577497



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. **1:24-CV-00670-PAE-RFT****PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for **40s And Shorties LLC**
 was recieved by me on **3/15/2024**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)*; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)*, a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)*, who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **Unknown** after attempting service at **829 N BUNKER HILL AVE #C, Los Angeles, CA 90012**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and \$ 75.00 for services, for a total of \$ 75.00.

I declare under penalty of perjury that this information is true.

Date: 03/23/2024



Server's signature

Erick Gonzalez

Printed name and title

**3472 Liberty Blvd
 South Gate, CA 90280**

Server's address

Additional information regarding attempted service, etc:

3/18/2024 8:10 PM: There was no answer at the address.

3/21/2024 11:21 AM: I spoke with an individual who identified themselves as the resident and they stated subject unknown. I spoke with a property manager/landlord who says not resident and a property manager/landlord who doesn't recognize name. Spoke with male that said I got the wrong address. Asked me to Check in with the managers but they didn't answer. I asked if he was familiar with the brand or person and he responded no.



Tracking # 0127886970



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. **1:24-CV-00670-PAE-RFT**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for **40s And Shorties LLC**
was recieved by me on **4/04/2024**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because **Disallowed** after attempting service at **1801 Century Park East 24th & 25th Floor, Los Angeles, CA 90067**; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and \$ 75.00 for services, for a total of \$ 75.00.

I declare under penalty of perjury that this information is true.

Date: 04/05/2024



Server's signature

Sam Pocker

Printed name and title

**958 N Western Ave # 754
Hollywood, CA 90029**

Server's address

Additional information regarding attempted service, etc:

4/4/2024 11:23 AM: I spoke with an individual who identified themselves as the person in charge and they stated service not permitted. Security guard named Chris called up to this office and spoke to Michelle. Entity unknown, service not permitted, Chris did not grant me access to the building. Document is unservable as addressed.



Tracking # 0129116302

